



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southcast Regional Office
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St. Petersburg, FL 33702
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APR 20 2000

F/SER3:EGH

Ms. Linda S. Ferrell
Chief, South Permits Branch
Army Corps of Engineers, Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Ms. Ferrell:

This responds to your March 30, 2000 letter to the National Marine Fisheries Service (NMFS) Protected Resources Division (PRD) in reference to Department of the Army permit application number 200000380 (IP-DSG) submitted by the Town of Palm Beach. The Town of Palm Beach proposes to nourish approximately 10,032 feet (1.9 miles) of beach shoreline along Phipps Ocean Park Beach. The project is needed to provide storm protection and control erosion threatening recreational beaches. You requested formal consultation with NMFS PRD on this activity pursuant to the interagency consultation requirements of section 7 of the Endangered Species Act (ESA).

A biological evaluation was submitted. The area of impact at the fill site will be approximately 78 acres of marine intertidal, unconsolidated shore natural community and nearshore hardbottoms. Approximately 1.5 acres of nearshore hardbottoms would be impacted. Fill would be obtained from two offshore borrow areas located approximately 3,500 feet offshore and 1.5 miles and 2.6 miles south of the fill area midpoint. Approximately 67 acres would be excavated from the borrow areas. The material would be hydraulically dredged and barged to a nearshore location. There the sand would be hydraulically transferred by pipeline from an anchored barge to the beach. As mitigation for the impacts to the nearshore hardbottom, the applicant proposes to construct a 1.5-acre artificial reef. The project will be performed outside of sea turtle nesting season. Dredging at the borrow areas would impact nonvegetated bottoms.

The beach renourishment activity would impact nonvegetated bottoms and nearshore hardbottoms which could provide foraging habitat for listed sea turtle species. Hawksbill sea turtles may be present during beach renourishment activities in areas near or between hardbottom reefs.

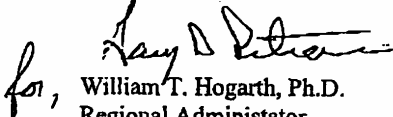
Consultation on dredging and renourishment projects can often be concluded "informally" if construction methods that do not adversely impact listed species are used. NMFS has previously determined that use of hydraulic dredges (e.g., dustpan dredges, hydraulic pipeline cutterhead



dredges, and clam shell dredges) is unlikely to adversely affect listed sea turtle species. Use of hopper dredges, however, has been shown to regularly result in lethal takes of listed sea turtle species, and would necessitate "formal" consultation on this project and require preparation of a biological opinion by NMFS. If the applicant proposes dredging by nonhopper-type dredge, as we are given to understand by your letter, then this concludes COE consultation responsibilities with NMFS under section 7 of the ESA for listed species under NMFS purview. Consultation should be reinitiated if new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the identified activity is subsequently modified or critical habitat determined that may be affected by the identified activity.

Please contact Mr. Eric Hawk, at the telephone number listed above, if you have any questions or if we may be of assistance.

Sincerely,


for, William T. Hogarth, Ph.D.
Regional Administrator

cc: F/SER4 - A. Mager
F/PR3

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